

STATE OF CONNECTICUT

OFFICE OF POLICY AND MANAGEMENT INTERGOVERNMENTAL POLICY DIVISION

January 24, 2008

Members of the Continuing Legislative Committee on
State Planning and Development:

The Honorable Eric D. Coleman
The Honorable Art Feltman
The Honorable Jonathan A. Harris
The Honorable Leonard Fasano
The Honorable Craig A. Miner
The Honorable Joseph J. Crisco, Jr.
The Honorable Bill Finch
The Honorable Antonio (Tony) Guerrero
The Honorable Jack Malone
The Honorable Richard Roy

Dear Senators and Representatives:

In accordance with Section 16a-32 of the Connecticut General Statutes, the Office of Policy and Management (OPM) is providing notice to the Continuing Legislative Committee on State Planning and Development that it is in receipt of an application for an interim change to the Locational Guide Map of the *Conservation and Development Policies Plan for Connecticut, 2005-2010 (C&D Plan)*.

The application is from Serenity Ranch, LLC, a land developer owning property in the Town of Cheshire. It is for a change in designation for a 31.5 acre parcel from "Conservation", "Rural" and "Preservation" to "Growth Area" or "Neighborhood Conservation". A copy of the application materials is attached.

In accordance with 16a-32(b), OPM is seeking written approval from the Continuing Committee prior to undertaking this proposed interim change to the C&D Plan. If the Continuing Committee directs OPM to undertake the interim change, OPM will process the application in accordance with its regulations.

Sincerely,

A handwritten signature in black ink, appearing to read "W. David LeVasseur".

W. David LeVasseur, Undersecretary
Intergovernmental Policy Division

Attachment: Serenity Ranch, LLC Interim Change application

FAZZONE & RYAN, LLC

— LAW OFFICES —

ANTHONY J. FAZZONE
JOANNE M. RYAN
PHILLIP L. RICCIUTI
*JOHANNA P. FAZZONE

*also admitted in MA

January 11, 2008

VIA OVERNIGHT MAIL

Mr. Robert L. Genuario, Secretary
State of Connecticut
Office of Policy and Management
450 Capitol Avenue
Hartford, CT 06106-1308

**Re: Request for Interim Change to the Conservation and
Development Policies Plan for Connecticut 2005-2010
210 Wiese Road, Cheshire, Connecticut
Assessor's Map 58 Lot 60
Property Owners: Serenity Ranch, LLC**

Dear Mr. Genuario:

Pursuant to Section 16a-32(b)(2) of the Connecticut General Statutes, as amended, on behalf of Serenity Ranch, LLC, we are hereby requesting an interim change to the 2005-2010 Conservation and Development Policies Plan for Connecticut.

In support of the request, we have enclosed three (3) copies of each of the following:

1. Figure 1: USGS Quadrangle Location Map (Location: Cheshire, CT) With Project Site Shown.
2. Figure 2: Conservation and Development Policies Plan for Connecticut 2004-2009 Locational Guide Map with Project Site Shown.
3. Figure 3: Vicinity Map with Existing Sanitary Sewers shown.
4. Figure 4: Proposed Development Plan.
5. Figure 5: Plan Showing Proposed Non-Encroachment Line.
6. Inland Wetlands and Watercourses Commission Approval dated May 10, 2005.
7. Planning & Zoning Commission Approval dated July 12, 2005.
8. Memorandum In Support of Request for Interim Change dated January 2, 2008 by William A. Root, Senior Environmental Scientist, Milone & MacBroom, Inc.

Serenity Ranch, LLC is the owner of approximately 31.5 acres of property located in the Town of Cheshire. The parcel is referenced in Figures 1 and 2 as Project Site, and is immediately adjacent to Buckland Drive to the North.

FAZZONE & RYAN, LLC

LAW OFFICES

Mr. Robert L. Genuario, Secretary
State of Connecticut
Office of Policy and Management
January 11, 2008
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In May and June of 2005, approvals were obtained from the Cheshire Inland Wetlands and Watercourses Commission (IWWC) and the Cheshire Planning and Zoning Commission (P&Z), respectively, to build 41 units of Aged Restricted (Age 55+) Housing on the site. Prior to that, on August 24, 2004, the Water Pollution Control Authority (WPCA) of the Town of Cheshire granted feasibility approval indicating it was feasible to provide sanitary sewer service to the proposed Age Restricted Housing by connection to the existing sanitary sewers in Buckland Court.

Subsequently, after the IWWC and P&Z approvals, it was discovered that the land which is the subject of those approvals is designated in part as Conservation Area, Rural Land and in small part as Preservation Area on the 2004-2009 Locational Guide Map, Town of Cheshire as depicted in the Conservation and Development Policies Plan for Connecticut.

As a result, based upon concern for future funding, the WPCA of the Town of Cheshire has declined to allow sewerage of the project site.

Serenity Ranch, LLC, the owner of the project site, requests that the property shown on the attached plans and surveys be designated as a "Growth Area" or "Neighborhood Conservation" area for the following reasons:

1. Sanitary sewer facilities are located in Buckland Drive immediately to the north of the subject site.
2. Residential properties on Buckland Drive and adjacent streets are connected to the Town of Cheshire sanitary sewer system.
3. The re-designation requested would be consistent with the existing highly developed and sewerage residential properties in the area also classified as Preservation or Conservation areas in the State Plan of Conservation and Development.
4. Approvals for 41 units of Age Restricted Housing (age 55+) have been obtained from both the IWWC and the P&Z of the Town of Cheshire.
5. Past WPCA plans contemplated providing sanitary sewer to the subject property.
6. The sensitive areas of the subject property, designated as "Preservation Area," remain untouched by the proposed Age Restricted Housing Development and, pursuant to the IWWC approvals are to be designated as non-encroachment areas.
7. An engineering analysis has determined there is adequate downstream capacity to accept the additional sewage from the proposed development.

FAZZONE & RYAN, LLC


LAW OFFICES

Mr. Robert L. Genuario, Secretary
State of Connecticut
Office of Policy and Management
January 11, 2008
Page 3

Please contact us regarding the scheduling of any meetings and hearings at which this application will be discussed. If any further information is needed or if there are any questions please do not hesitate to contact us.

Very truly yours,

FAZZONE & RYAN, LLC



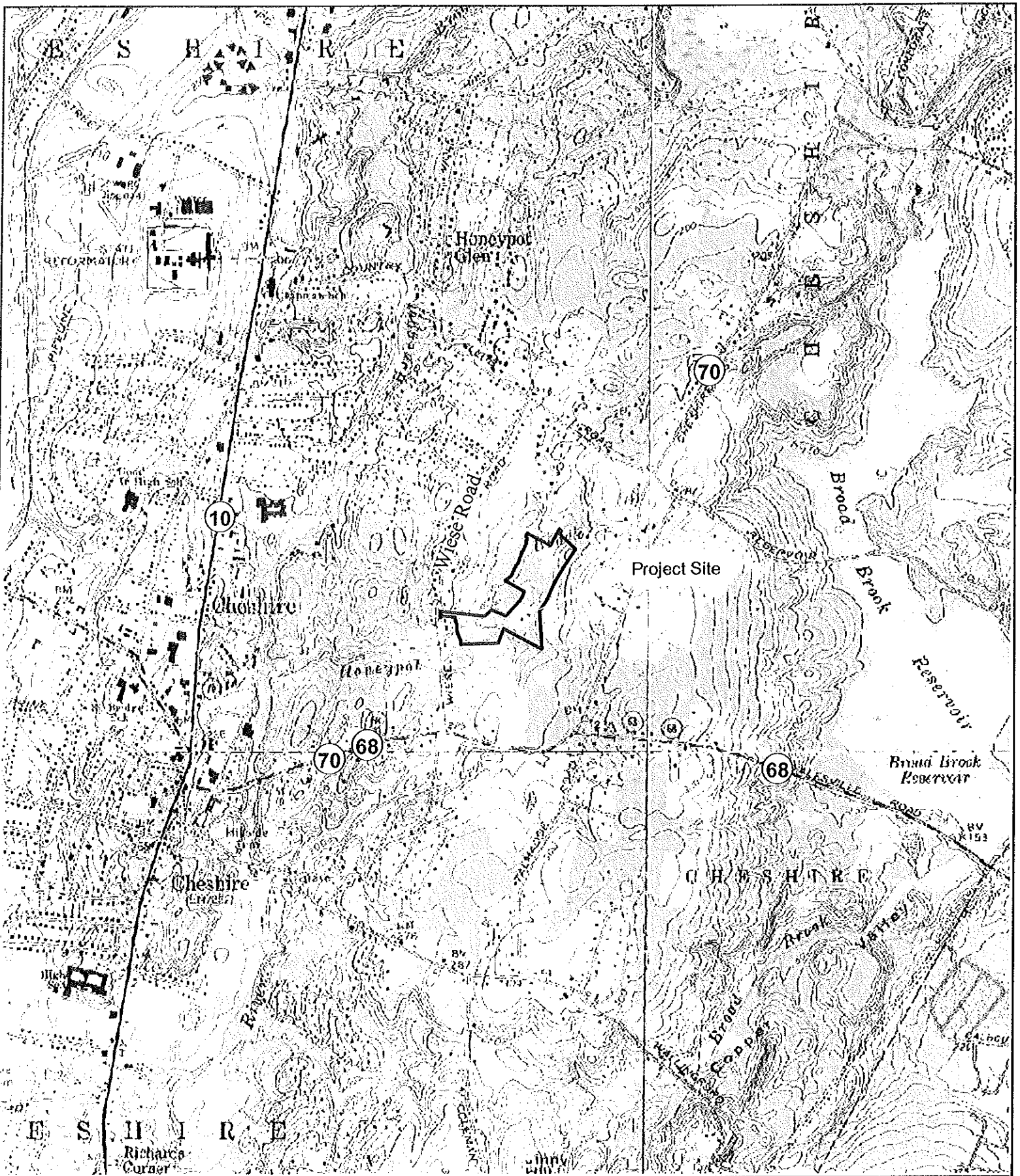
Anthony J. Fazzone

AJF/zv

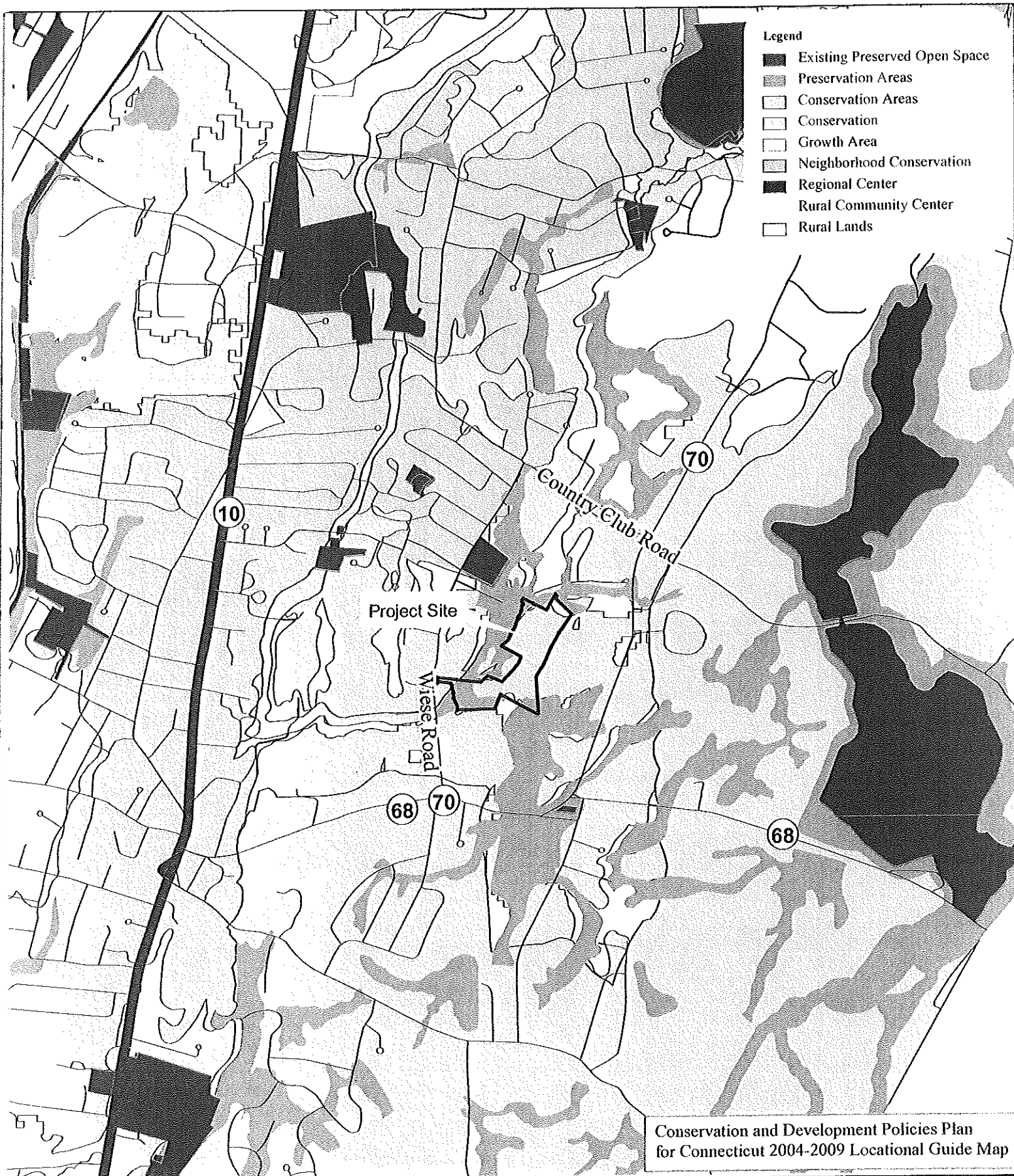
Enclosures

email: afazzone@fazzoneryan.com

R:\Data\Wp\02\876\001\Genuario ltr.doc



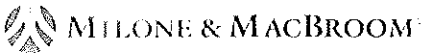
| | | |
|--|--|---|
| <p>Engineering, Landscape Architecture and Environmental Science</p> <p>MILONE & MACBROOM</p> <p>99 Realty Drive Cheshire, Connecticut 06410 (203) 271-1773 Fax: (203) 272-9733 www.miloneandmacbroom.com</p> | <p>210 Wiese Road Parcel</p> <p>MMI#: 1143-77 MXD: H:\location.mxd SOURCE: http://magic.lib.uconn.edu/</p> <p>USGS Quadrangle Location Map</p> | <p>LOCATION: Cheshire, CT</p> <p>DATE: December 2007 SCALE: 1" = 2,000</p> <p>SHEET: Figure 1</p> |
|--|--|---|



| | | | | |
|---|---|----------------------------|--|--|
| <p>Engineering, Landscape Architecture and Environmental Science</p> <p>MILONE & MACBROOM®</p> | <p>210 Wiese Road Parcel</p> | | <p>LOCATION:</p> <p>Cheshire, CT</p> | |
| <p>99 Realty Drive Cheshire, Connecticut 06410 (203) 271-1773 Fax: (203) 272-9733 www.miloneandmacbroom.com</p> | <p>MMI# 1143-77 MXD: H:C&D_wiese.mxd SOURCE: DEP Bulletin No.40</p> | <p>C&D Plan</p> | | <p>DATE: December 2007</p> <p>SCALE: 1:24,000</p> <p>SHEET: Figure 2</p> |



Engineering,
Landscape Architecture
and Environmental Science



99 Realty Drive
Cheshire, Connecticut 06410
(203) 271-1773 Fax: (203) 272-9733
www.miloneandmacbroom.com

210 Wiese Road Parcel

MMI# 1143-77
MXD: Hsewer_wiese.mxd
SOURCE: CT DEP GIS Division

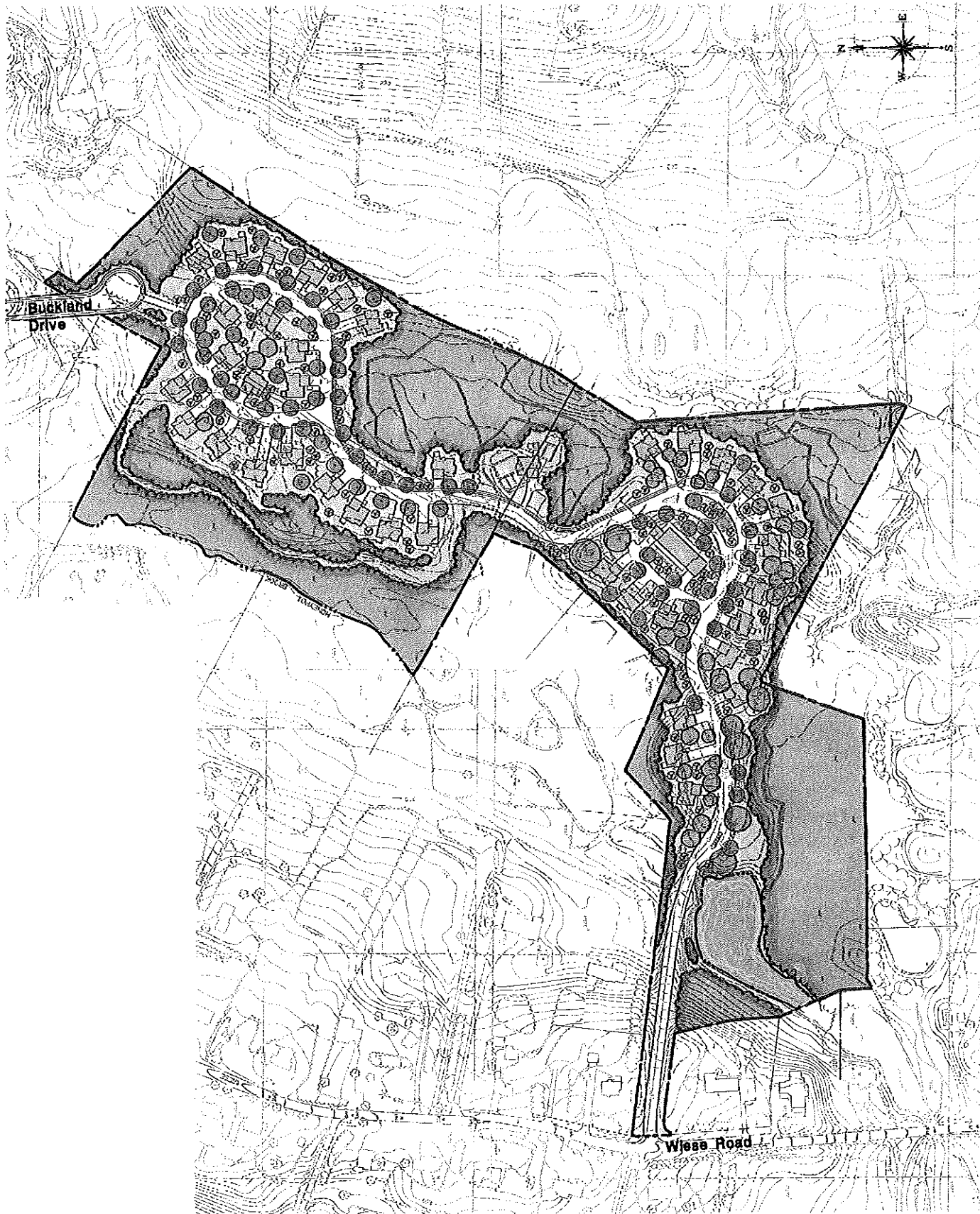


Vicinity Map

LOCATION:
Cheshire, CT

DATE:
December 2007
SCALE:
1:12,000

SHEET:
Figure 3



MILONE & MACBROOM.
 Engineering,
 Landscape Architecture
 and Environmental Science
 99 Reedy Drive
 Cheshire, Connecticut 06410
 (203) 271-1773 Fax (203) 272-9733
 www.miloneandmacbroom.com

210 Wiese Road Parcel

MMJ #: 1143-77
 DWG: F4.dwg

Proposed Development Plan

LOCATION:

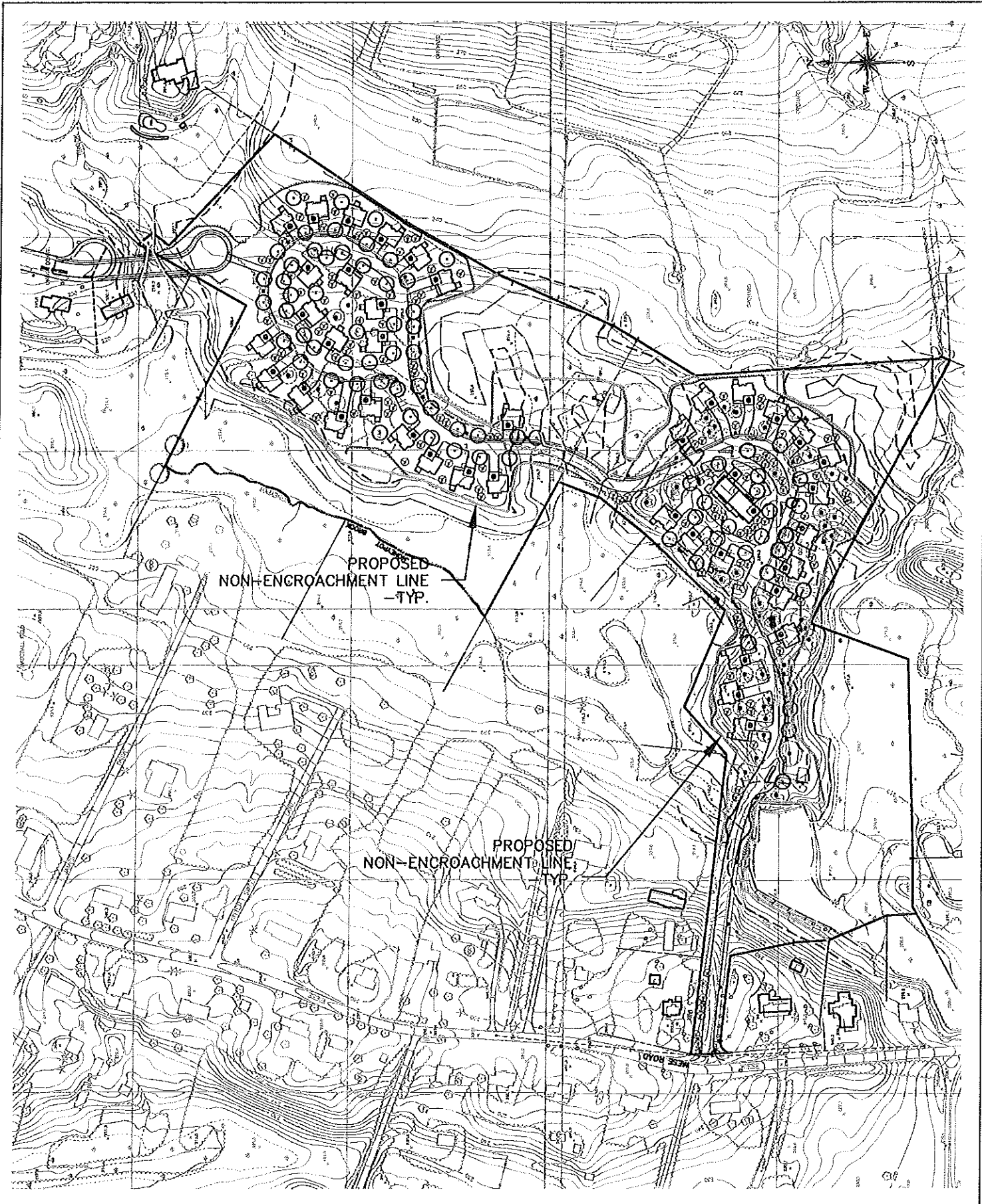
Cheshire, CT

DATE: December 2007

SHEET:

SCALE: 1" = 300'

Figure 4



Engineering,
Landscape Architecture
and Environmental Science
MILONE & MACBROOM.
99 Realty Drive
Cheshire, Connecticut 06410
(203) 271-1773 Fax (203) 272-9733
www.miloneandmacbroom.com

210 Wiese Road Parcel

MMI #: 1143-77
DWG: F4.dwg

Proposed Non-Encroachment Line

LOCATION:

Cheshire, CT

DATE: December 2007

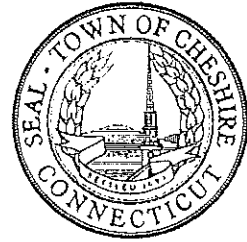
SHEET:

SCALE: 1" = 300'

Figure 6

TOWN OF CHESHIRE

Inland Wetlands and Watercourses Commission
84 South Main Street
Cheshire, Connecticut 06410
203-271-6670 Y Fax 203-271-6688



CERTIFIED MAIL
7004 1160 0006 4246 0630

May 10, 2005

Anthony J. Fazzone
One Town Center
Cheshire, CT 06410

RE: PERMIT APPLICATION - #2005-012
Brodach Builders, Inc.
Wiese Road
Age Restricted PRD

Dear Attorney Fazzone:

At the regular meeting of the Cheshire Inland Wetlands & Watercourses Commission, the permit application of Brodach Builders, Inc., c/o Anthony J. Fazzone, One Town Center, Cheshire, CT 06410, for an Age Restricted Planned Residential Development property located on Wiese Road, Cheshire, CT 06410 as generally shown on Assessor's Map No. 58, Lot No. 60, in an R-40 zone was approved with stipulations as referenced from the minutes of May 3, 2005.

Very truly yours,

Kristen Wolfe, Secretary Pro-tem
CHESHIRE INLAND WETLANDS AND
WATERCOURSES COMMISSION

cc: Robert deJongh, Chairman, CIWWC
Dr. Charles Dimmick, Vice Chairman
Lisa J. Murphy, Assistant Town Planner

cert 05 10 05



Motion:

That the Cheshire Inland Wetlands and Watercourses Commission, having considered the factors pursuant to Section 10 of the Inland Wetlands and Watercourses Regulations of the Town of Cheshire, Commissioners' knowledge of the area, site visitations, and after review of written information provided by the applicant on this application and information received during the course of a public hearing, finds the following:

1. That this application is for the construction of 41 age-restricted residential units, associated driveways and parking, and a stormwater management system on 31 acres in an R-40 zone.
2. That a certified soil scientist has determined that there are approximately 7.69 acres of wetlands on the property.
3. That the proposed residences will be serviced by public water and sewer.
4. That this site lies within the Honey Pot Brook watershed, and Honey Pot Brook flows through a portion of the site.
5. That, according to the applicant's environmental consultant, the wetland corridor to the west of the site and containing Honey Pot Brook has high functional values. Identified wetland pockets on the site's eastern side contain lesser functional values.
6. That, according to the applicant's engineer, the proposed stormwater management system has been sized to decrease peak rates of runoff from the site for up to a 100-year storm.
7. That, according to the applicant's engineer, the proposed stormwater management system is designed to remove approximately 80% of suspended solids.
8. That as part of the stormwater management system, a constructed pond is proposed for stormwater management, sediment control, and water quality purposes.
9. That alternatives to the proposed activities, as investigated by the applicant and presented to the Commission, include cluster and conventional subdivisions, with estimated direct wetland disturbances of 8,550 sq. ft. and 9,600 sq. ft., respectively.

10. That an alternative ("Alternative D"), as investigated by the applicant and presented to the Commission, to replace a proposed extension of Buckland Drive with an emergency accessway, reduces wetland impacts and has been incorporated, by the applicant, as part of the currently-proposed activities.
11. That, with inclusion of "Alternative D", direct wetland impacts associated with the application include approximately 7,300 sq. ft. of disturbance for road and pond construction.
12. That the currently proposed construction activities will not have a significant adverse effect on the adjacent wetlands and watercourses.

Therefore, the Commission grants CIWWC Permit Application #2005-012, the permit application of Brodach Builders, Inc. for Age-Restricted PRD, as presented and shown on the plans entitled:

"Richmond Glen
210 Wiese Road – Cheshire, Connecticut
Sheet 1 of 1, dated December 8, 2004, Scale 1"=100',
Sheets L-1 to L-3, G-1 to G-3, and D-1 to D-3,
Dated February 18, 2005, Revised to 3/30/05,
Sheet D-1 revised to 4/19/05 scale as shown,
Prepared by Milone & MacBroom, Inc."

and

"Emergency Access Alternative- Richmond Glen
210 Wiese Road – Cheshire, Connecticut
Sheet ALT-D, dated March 14, 2005,
Scale 1"=3'V, 1"=30'H,
Prepared by Milone & MacBroom, Inc."

and

Proposed Non-Encroachment Line- Richmond Glen
210 Wiese Road – Cheshire, Connecticut
Scale 1"=100'
Dated May 3, 2005
Sheet 1 of 1

with the following stipulations:

1. Lack of compliance with any stipulation of this permit grant shall constitute a violation of the Cheshire Inland Wetlands and Watercourses Regulations, and

a cease and desist order shall be both issued and recorded on the Town of Cheshire Land Records.

2. Any changes or modifications to the plans as presented will require subsequent Cheshire Inland Wetlands and Watercourses Commission review and approval.
3. Non-encroachment lines shall be established as shown on the above-referenced plan. No disturbance of any kind, including establishment or maintenance of lawn areas, shall be allowed beyond any non-encroachment line. Language shall be placed in the deed of the property and on a map for this property filed in the Cheshire Land Records stating that no disturbance or activity of any kind other than passive recreation shall be allowed within any non-encroachment area.
4. Prior to any clearing, grading, or other construction activities on the site, the applicant shall arrange for and hold a pre-construction meeting with Commission Staff to review this permit grant's terms, conditions, and stipulations.
5. Prior to the commencement of construction activities, a professional engineer shall certify, in writing to the Commission, that all required erosion and sedimentation controls are in place and functioning as represented by applicant to ensure the prevention of erosion and sedimentation into adjacent wetlands and watercourses. The cost of the professional engineer shall be borne by the applicant. The applicant shall also notify Commission Staff so that Staff may inspect the site to verify that all required controls are in place. Staff may also insist on additional controls if field conditions warrant them.
6. Prior to any construction activities covered by this permit grant, the applicant shall have the following items both completed by a qualified party and verified as complete by Commission Staff:
 - a) Prior to any clearing or earthmoving activities, the accurate staking and/or flagging of all clearing limits, buffers, and non-encroachment lines.
 - b) Prior to the applicant's first request for a Building Permit, the proper installation of all sediment and erosion controls as stipulated above. Sediment and erosion controls shall be identified with orange construction fencing or other visual means agreed to by the applicant and Commission Staff.
 - c) Prior to the applicant's first request for a Building Permit, the accurate, permanent marking of all non-encroachment lines,

markings to be agreed upon by the applicant and Commission Staff.

- d) Prior to the applicant's first request for a Building Permit, written confirmation that a declaration detailing the conditions of this CIWWC permit has been recorded on the Cheshire Land Records.

Commission Staff may insist on additions to items 6a-6d at any time if field conditions warrant them.

7. Throughout the course of conducting construction activities covered by this permit grant, the applicant shall be responsible for ensuring the following:
 - a) That measures to prevent potential contamination of any wetlands or watercourses are taken during the razing and removal of existing structures, debris, and the like from the subject property.
 - b) That the submitted "Richmond Glen Construction Sequence" and "Richmond Glen Detention Basin Construction Sequence" are stringently adhered to.
 - c) That all maintenance and refueling of equipment and vehicles is performed as far as practical from all wetlands and watercourses, at least 100' if possible. All oil, gasoline, and chemicals needed at the site shall be stored in secondary containment to prevent contamination of any wetlands or watercourses from possible leaks.
 - d) That all disturbed areas on the site not directly required for construction activities are temporarily hayed and seeded until the site is permanently stabilized.
8. Per Section 12 of the Cheshire Inland Wetlands and Watercourses Regulations, a bond covering the costs of the erosion and sedimentation controls shall be filed with the Town Planner's office prior to the commencement of construction activities. The amount of the bond shall be determined by the Cheshire Planning Department.
9. An inspection of the condition, integrity, and adequacy of the sedimentation and erosion controls shall be made by a qualified party on a regular basis, either weekly or after every significant rainfall of 1/2" or greater, whichever is sooner, until all disturbed areas are stabilized. Said party shall be independent of the contractor. All reports shall be submitted to the contractor and Commission Staff either within three days of inspection, or prior to the next storm event, whichever is sooner. All breeches or deficiencies shall be

forwarded to a contact individual, as defined below, immediately after inspection. The costs of said inspections to be borne by the applicant.

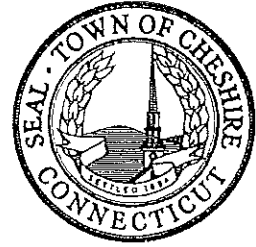
10. A contact individual together with a 24-hour phone number shall be designated with responsibility and authority to receive notices of any breaches or deficiencies of sedimentation and erosion controls on-site, and to effectuate repair of any such breaches or deficiencies within 6 (six) hours of such notice from the sediment and erosion control inspector, as identified above, or the Town of Cheshire.
11. No commercial fertilizer or pesticides shall be used on any lawn area.
12. Prior to application to the Building Department for the last Certificate of Occupancy, and per Section 11.3B of the Cheshire Inland Wetlands and Watercourses Regulations, the applicant shall provide the Commission with the following:
 - a) an as-built map by a licensed land surveyor, at a suitable scale, showing, at least, all buildings and setbacks from the property lines, wetland boundaries and acreage, wetland non-encroachment lines and markers, limits of clearing, utility locations, and all paved driving surfaces.
 - b) within 30 days of the completion of all activities covered by this permit grant, written certification that all work covered by the permit grant has been completed.
 - c) written certification that, to the best of the applicant's knowledge, all conditions and stipulations of this permit grant have been generally met and that all yard areas are properly stabilized.
 - d) written certification that all non-encroachment lines and associated restrictions are recorded both on the Cheshire Land Records and in the deed of the property.
 - e) written acknowledgement that this permit grant shall become void *ab initio* in the event that the applicant takes receipt of the last Certificate of Occupancy from the Building Department prior to verification by wetlands staff that all conditions and stipulations of this permit grant have been generally met and that all yard areas are properly stabilized.

All aforementioned certifications to be made by a third-party independent of both the applicant and the contractor.

Moved by Mr. Bowman. Seconded Mr. Dixon. Motion approved unanimously by Commission members present.

TOWN OF CHESHIRE

Planning & Zoning Commission
84 South Main Street
Cheshire, Connecticut 06410
203-271-6670 • Fax 203-271-6688



CERTIFIED MAIL

July 12, 2005

Brodach Builders, Inc.
C/o Anthony J. Fazzone, Esq.
One Town Center
Cheshire, CT 06410

| | |
|-------------------------------------|---------------|
| Re: Zone Map Change Petition | P.H. 03/14/05 |
| <u>Brodach Builders, Inc.</u> | P.H. 04/11/05 |
| 210 Wiese Road | P.H. 05/16/05 |
| R-40 to Age Restricted Overlay Zone | MAD 07/20/05 |
| Section 43.4 | |

Dear Attorney Fazzone:

At the regular meeting of the Planning and Zoning Commission held on June 27, 2005, the following motion was approved:

MOTION: That the Planning and Zoning Commission approve the zone map change petition of Brodach Builders, Inc, for a change from R-40 to an Age Restricted Overlay Zone for property located at 210 Wiese Road in an R-40 zone, as shown on the current Assessor's Map 58, Lot No. 60, and shown on the following plans entitled:

Map Depicting Proposed Zone Change, Prepared for Brodach Builders, Inc., 210 Wiese Road, Cheshire, CT scale 1"= 200'
February 18, 2005 sheet 1 of 1

With the following stipulation:

1. The change is consistent with the Plan of Development by continuing to provide a variety of housing types and requiring dedicated areas of open space.
2. The zone change will become effective July 1, 2005 at 12:01 a.m.



Moved by Mr. Dawson; seconded by Mr. Cobern. The motion passed with 5 in favor (Cobern, Dawson, Slocum, Maidelis, Kurtz); 4 opposed (Levy, Ranando, Flynn-Harris, Todisco).

The following motion was approved as amended:

| | |
|---|---------------|
| RE: Application for Preliminary Dev. Plan | P.H. 03/14/05 |
| (ARPRD) | P.H. 04/11/05 |
| <u>Brodach Builders, Inc.</u> | P.H. 05/16/05 |
| 210 Wiese Road | MAD 07/20/05 |
| Required by Section 43.4.3 | |

MOTION: That the Planning and Zoning Commission approve the Preliminary Development Plan application of Brodach Builders, Inc. for an Age Restricted Planned Restricted Development, for property located at 210 Wiese Road, in an R-40/Age Restricted Overlay Zone, as shown on the current Assessor's Map No.58, Lot No. 60, and shown on the following plans entitled:

Richard Glen, 210 Wiese Road, Cheshire Ct, Prepared by Milone & MacBroom, Inc; February 18, 2005, revision March 30, 2005 sheets L-1-L-3, G-1-G-3, D-1-D-3; Emergency access Alternative March 14, 2005 revision May 16, 2005 sheet ALT-D; Lighting Plan and Additional Screening Plantings Plan April 11, 2005; Property Survey Prepared for Brodach Development Corporation December 8, 2004; Map Depicting Proposed Zone Change, February 18, 2005; and Elevations and Floor Plans, model A,B,C,D, and D1, stamped February 22, 2005 ✓

Moved by Ms. Flynn-Harris; seconded by Mr. Kurtz. The motion passed 6-3; In favor (6) Cobern, Dawson, Slocum, Maidelis, Kurtz, Todisco Opposed (3) Levy, Ranando, Flynn-Harris.

The following motion was approved as amended:

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|--------------------------------|---------------|
| Re: Special Permit Application | P.H. 03/14/05 |
| <u>Brodach Builders, Inc.</u> | P.H. 04/11/05 |
| 210 Wiese Road | P.H. 05/16/05 |
| ARPRD – Section 43.4 | MAD 07/20/05 |

MOTIONS: That the Planning and Zoning Commission approve the special permit application of Brodach Builders, Inc, for an Age Restricted Planned Residential Development, for property located at 210 Wiese Road in a R-40/ Age Restricted Overlay zone, as shown on the current Assessor's Map No. 58, Lot No. 60, and shown on the following plans entitled:

Richard Glen, 210 Wiese Road, Cheshire Ct, Prepared by Milone & MacBroom, Inc; February 18, 2005, revision March 30, 2005 sheets L-1-L-3, G-1-G-3, D-1-D-3; Emergency access Alternative March 14, 2005 revision May 16, 2005 sheet ALT-D; Lighting Plan and Additional Screening Plantings Plan April 11, 2005; Property Survey Prepared for Brodach Development Corporation December 8, 2004; Map Depicting Proposed Zone Change, February 18, 2005; and Elevations and Floor Plans, model A,B,C,D, and D1, stamped February 22, 2005

With the following stipulations:

1. The Town of Cheshire Code of Ordinances 6-3 must be adhered to for installation of the water mains and hydrants. Hydrants shall be spaced every 300' and the Fire Department will need to approve the final layout of mains and hydrants. Water mains and hydrants must be installed and a witnessed flow test performed prior to the combustible construction activities.
2. Final approval of the 27' wide roadways must be obtained from the Fire Department after a field test with a fire apparatus on compacted sub base or binder coat. All structures in the access roadways must be documented to withstand a minimum of 75,000 lbs.
3. All gates along the main accessway or the emergency accessway must have prior approval from the Police Chief and Fire Chief in order ensure that the manner in which it is used and constructed will allow adequate emergency vehicle response year round twenty-four hours a day.
4. Sanitary sewers for this proposal are subject to Water Pollution Commission Authority final review and approval.
5. The applicant shall comply with comments in a memo from the Police Department dated June 27, 2005 and attached hereto.

6. The Planning and Zoning Commission accepts, on behalf of the Town, the offer from the applicant to pay the Town of Cheshire \$70,393.00 for road reconstruction on Wiese Road. This amount is sufficient to cover the cost of regarding and repaving of the Section of Wiese Road shown on the plans entitled: "Preliminary Plan and Profile, Proposed reconstruction Wiese Road" dated April 26, 2005 by Milone & MacBroom.
7. The Public Offering Statement, required by Connecticut Statutes to advise purchasers there is an active farm/orchard adjacent to the southern and southeastern areas of the development. It will also provide for a separate reserve fund to be established at the time of the formation of the homeowners association in an amount reasonably sufficient for the maintenance, repairs, and removal of snow from the emergency accessway and additional sidewalk installation to continue the pedestrian circulation to connect to sidewalks on Wiese Road if the Town of Cheshire installs sidewalks adjacent to the entrance of this development.
8. The transfer of Open Space shall be to the Community Association of the project. The association shall be created and the transfer of the property completed prior to the issuance of any certificate of occupancy but no later than one (1) year from the date of this approval. The maintenance of the Open Space shall be the responsibility of the Association and all unit deeds shall be so noted.
9. The maintenance of all proposed stormwater management facilities as shown on the plans submitted, shall be the responsibility of the community association. This requirement shall be an encumbrance in each deed.
10. The Community Association shall certify annually to the Zoning Enforcement Officer that the Age Restricted Planned Residential Development is in compliance with the age restricted requirements of Section 43.4 of the Cheshire Zoning Regulations. Such certification shall comply with the requirements of the United States Department of Housing and Urban Development. The first certification is required to be submitted within one (1) year from the date of issuance of the first Certificate of Occupancy and annually thereafter. This requirement shall be an encumbrance in each deed.
11. The applicant shall provide the community association with a bond for all uncompleted common area improvements similar in all material respect to the bond required pursuant to Section 10 of the Subdivision Regulations.

The amount of the bond, for all uncompleted common area improvements, shall be determined by a Licensed Professional Engineer and approved by the Town Engineer. No portion of the bond shall be released until a License Professional Engineer certifies to the Community Association that common area improvements covered by the bond have been completed. A copy of the certified documents shall be provided to the Planning Department and Town Engineer. The Town Engineer shall verify that completion of the Town improvements prior to the release of any portion of the bond.

Moved by Mr. Dawson; seconded by Mr. Cobern. The motion passed 6-3; in favor (6) Dobern, Dawson, Clocum, Maidelis, Kurtz, Todisco; opposed (3) Levy, Ranando, Flynn-Harris.

| | |
|--------------------------------------|---------------|
| RE: Final Development Site Plan App. | P.H. 03/14/05 |
| (ARPRD) | P.H. 04/11/05 |
| <u>Brodach Builders, Inc.</u> | P.H. 05/16/05 |
| 210 Wiese Road | MAD 07/20/05 |
| Required by Section 43.4.3 | |

The following motion was approved as amended:

MOTION: That the Planning and Zoning Commission approve the Final Development Plan application of Brodach Builders, Inc, for an Age Restricted Planned Residential Development, for property located at 210 Wiese Road in a R-40/Age Restricted Overlay Zone as shown on the current Assessor's Map No. 58, Lot No. 60, and shown on the following plans entitled:

Richard Glen, 210 Wiese Road, Cheshire Ct, Prepared by Milone & MacBroom, Inc; February 18, 2005, revision March 30, 2005 sheets L-1-L-3, G-1-G-3, D-1-D-3; Emergency access Alternative March 14, 2005 revision May 16, 2005 sheet ALT-D; Lighting Plan and Additional Screening Plantings Plan April 11, 2005; Property Survey Prepared for Brodach Development Corporation December 8, 2004; Map Depicting Proposed Zone Change, February 18, 2005; and Elevations and Floor Plans, model A,B,C,D, and D1, stamped February 22, 2005

With the following stipulations:

1. The Town of Cheshire Code of Ordinances 6-3 must be adhered to for installation of the water mains and hydrants. Hydrants shall be spaced every 300' and the Fire Department will need to approve the final layout of mains and hydrants. Water mains and hydrants must be installed and a witnessed flow test performed prior to the combustible construction activities.
2. Final approval of the 27' wide roadways must be obtained from the Fire Department after a field test with a fire apparatus on compacted sub base or binder coat. All structures in the access roadways must be documented to withstand a minimum of 75,000 lbs.
3. All gates along the main accessway or the emergency accessway must have prior approval from the Police Chief and Fire Chief in order ensure that the manner in which it is used and constructed will allow adequate emergency vehicle response year round twenty-four hours a day.
4. Sanitary sewers for this proposal are subject to Water Pollution Commission Authority final review and approval.
5. The applicant shall comply with comments in a memo from the Police Department dated June 27, 2005 and attached hereto.
6. The Planning and Zoning Commission accepts, on behalf of the Town, the offer from the applicant to pay the Town of Cheshire \$70,393.00 for road reconstruction on Wiese Road. This amount is sufficient to cover the cost of regarding and repaving of the Section of Wiese Road shown on the plans entitled: "Preliminary Plan and Profile, Proposed reconstruction Wiese Road" dated April 26, 2005 by Milone & MacBroom.
7. The Public Offering Statement, required by Connecticut Statutes to advise purchasers there is an active farm/orchard adjacent to the southern and southeastern areas of the development. It will also provide for a separate reserve fund to be established at the time of

the formation of the homeowners association in an amount reasonably sufficient for the maintenance, repairs, and removal of snow from the emergency accessway and additional sidewalk installation to continue the pedestrian circulation to connect to sidewalks on Wiese Road if the Town of Cheshire installs sidewalks adjacent to the entrance of this development.

8. The transfer of Open Space shall be to the Community Association of the project. The association shall be created and the transfer of the property completed prior to the issuance of any certificate of occupancy but no later than one (1) year from the date of this approval. The maintenance of the Open Space shall be the responsibility of the Association and all unit deeds shall be so noted.
9. The maintenance of all proposed stormwater management facilities as shown on the plans submitted, shall be the responsibility of the community association. This requirement shall be an encumbrance in each deed.
10. The Community Association shall certify annually to the Zoning Enforcement Officer that the Age Restricted Planned Residential Development is in compliance with the age restricted requirements of Section 43.4 of the Cheshire Zoning Regulations. Such certification shall comply with the requirements of the United States Department of Housing and Urban Development. The first certification is required to be submitted within one (1) year from the date of issuance of the first Certificate of Occupancy and annually thereafter. This requirement shall be an encumbrance in each deed.
11. The applicant shall provide the community association with a bond for all uncompleted common area improvements similar in all material respect to the bond required pursuant to Section 10 of the Subdivision Regulations.

The amount of the bond, for all uncompleted common area improvements, shall be determined by a Licensed Professional Engineer and approved by the Town Engineer. No portion of the bond shall be released until a License Professional Engineer certifies to the Community Association that common area improvements

Brodach Builders, Inc.
C/o Anthony J. Fazzone, Esq.
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covered by the bond have been completed. A copy of the certified documents shall be provided to the Planning Department and Town Engineer. The Town Engineer shall verify that completion of the Town improvements prior to the release of any portion of the bond.

Moved by Mr. Cobern; seconded by Mr. Dawson. The motion passed 6-3; in favor (6) Cobern, Dawson, Slocum, Maidelis, Kurtz, Todisco; Opposed (3) Levy, Ranando, Flynn-Harris

Respectfully,

Earl J. Kurtz III


Earl J. Kurtz, III, Secretary
CHESHIRE PLANNING AND ZONING COMMISSION

EJK:jp
ENCLOSURES

MEMORANDUM

In Support of Request for Interim Change to the Conservation and
Development Policies Plan for Connecticut 2005-2010

TO: Anthony Fazzone, Esq.

FROM: William A. Root, Senior Environmental Scientist 
Milone & MacBroom, Inc.

DATE: January 11, 2008

RE: Richmond Glen Development Proposal:
Consistency with State Plan of Conservation & Development (2005-2010)

As requested, I have reviewed the locally-approved site plans for this project and the state's Plan of Conservation & Development (2005-2010). As you recall, I was the soil scientist and wetland ecologist who:

- flagged the site's wetlands and watercourses;
- evaluated the wetland functions and values;
- participated in the development of the overall site plan;
- assessed the proposal's potential for wetland impacts; and
- developed wetland compensation and mitigation proposals for the project.

Based upon my knowledge of the site and the project, you have asked me to consider whether the Richmond Glen development proposal meets the criteria of Growth Management Principle #4 as it applies to Conservation Areas as stated at page 63 of the State Plan which reads: "Generally, some development may occur if it is in a form that is compatible with the resource that is to be protected. The exact nature and extent of such development will vary depending upon the character of the resource as are set forth in the policies and strategies below."

Existing Conditions

The parcel is approximately 31 acres in size. The western section of the site is bordered by Honeypot Brook. Sections of the brook are relatively isolated from development but in this area there are several existing road crossings, excavated ponds and dams, home sites with lawns that press close upon the brook, and nearby farms with limited control of runoff resulting in nonpoint source pollution. On the subject property, there is an undeveloped riparian corridor with a floodplain forest along the eastern bank. This area provides several important wetland functions and values including: flood control, pollutant trapping and renovation, and fish and wildlife habitat. The project team emphasized protection and preservation of this area and the brook itself as its prime environmental design directive.

The site was developed decades ago. There is an attractive roadway entrance from Wiese Road, including a scenic stone bridge. The one acre impoundment of Honeypot Brook below the bridge was designed and rehabilitated under DEP permit in the early 1990s. The existing home site and office are reached via a paved drive with flanking lawn and mature oaks and beech trees. There is a tennis court and pool. Beyond the home and office, there is a large clearing with a newly constructed barn. Beyond this are the remnants of abandoned nursery stock and a small stand of forested upland.

As you know, Cheshire has already extended municipal services including sewer and water lines to the property's northern boundary at Buckland Drive and has sufficient capacity to accommodate the proposed development. In fact, the WPCA granted preliminary approval to supplying sewer capacity to this project.

Consistency with the C&D Plan

A review of the site's existing conditions as described above indicates that the Richmond Glen site with its established infrastructure of home, office, barn, and nursery stock with roadways, culverts, and a bridge is clearly distinguishable from the orchards and fallow fields to the south and east. These undeveloped areas are properly designated as "Conservation Areas" in the C&D Plan. In truth, the Richmond Glen site is more consistent for inclusion with the nearby "Neighborhood Conservation Area" to the north and west because of its similar residential pattern of development.

I understand and agree with the state's designation of the floodplain forest along Honeypot Brook as a "Preservation Area." This is an important wetland resource having significant functions and values including flood attenuation, streambank stabilization, pollutant/nutrient removal and renovation, and wildlife habitat among others. However, the remainder of the Richmond Glen site (which is the area proposed for development) fails the test in every category for consistency with the stated criteria for "Conservation Areas" in the C&D Plan. For example,

- The developed nature of the land as an existing residence and office with its expansive maintained lawn, pool, tennis court, barn, and overgrown nursery stock does not in any way *"represent resource lands for the production of food, wood, water, and mineral, or is important for sustaining native flora and fauna and the landscapes essential to scenic and recreational enjoyment (C&D Plan page 63)."* In addition:
 - It is not a Class II type reservoir land or mapped as a Level A or B aquifer protection area.
 - It is not active agricultural land, nor does it contain 25 acres of prime farmland soils.
 - It is not a contiguous, large forest block.
 - It is not a significant sand and gravel resource.

- It is not designated as a historic district or a site of historic or cultural significance.
- It is not a trap rock ridge.
- It is not a greenway or area of concern due to the presence of endangered, threatened, or special concern flora or fauna.
- It is not a flood fringe of the 100-year floodplain.
- It is not a scenic and recreation river corridor.
- It is not an area protected by conservation easements.

Richmond Glen Proposal

The layout and design of the Richmond Glen active adult proposal takes full advantage of existing infrastructure and already developed lands while preserving and protecting important ecological resources, particularly Honeypot Brook and the remainder of the site's wetlands. The site plan demonstrates de-minimus wetland impact with ample mitigation and compensation. For example, Cheshire incorporates a 50-foot upland review area in its wetland regulations. The approved Richmond Glen site plan has no homes in this buffer area. Stormwater treatment includes full detention to alleviate existing flooding complaints from an adjoining property owner. Water quality measures meet and exceed the recommendations of the DEP Stormwater Quality Manual. Further, there is no impact to C&D Plan designated "Preservation Areas." This care in planning and design sensitivity led to local land use approvals from both the Cheshire Inland Wetlands Commission and Planning and Zoning Commission.

I have carefully reviewed the Richmond Glen site plan as approved by local land use agencies. It is my belief that the proposal meets the stated goals and objectives for "Conservation Areas" as outlined in the state's C&D Plan. On page 63, the Plan explains that "Generally, some development may occur if it is in a form that is compatible with the resource that is to be protected." As indicated above, the existing conditions for most of the site do not merit the protections afforded to lands that do meet the criteria for "Conservation Areas." Therefore, some development may proceed on this property without negatively impacting important resources of the state.

Milone & MacBroom, Inc. is a strong proponent of "smart growth" principles and encourages clients in their efforts to develop lands that can be easily serviced by public utilities and existing infrastructure and are also within or near established neighborhoods. We routinely discourage designs that threaten to disturb unique natural environments. The inclusion of the Richmond Glen property within a "Neighborhood Conservation Area" would satisfy "smart growth" principles and correct the mischaracterization of this already developed property.

Attachment – Resume of William A. Root

WILLIAM A. ROOT, M.S.
SENIOR ENVIRONMENTAL SCIENTIST

Project Assignment

Environmental Scientist

Years of Experience

With This Firm: 6

With Other Firms: 23

Education

M.S., 1994, Forestry & Environmental Studies

Yale University

New Haven, Connecticut

B.S., 1980, Environmental Science

Fairleigh Dickinson University

Teaneck, New Jersey

B.A., 1974, Biology

University of Connecticut

Storrs, Connecticut

Certifications

Certified Professional Soil Scientist

Wastewater Collection Systems Operator II

Wastewater Treatment Systems Operator II

Computer Capabilities

ArcView GIS

Previous Employment

Parsons Transportation Group-Glastonbury, Connecticut

City of New Haven- New Haven, Connecticut

City of New Haven / CT DEP- New Haven and Hartford,
Connecticut

Town of Wilton- Wilton, Connecticut

Town of New Milford- New Milford, Connecticut

Summary of Experience

Mr. Root is an environmental scientist and planner specializing in the fields of ecology, environmental assessment, environmental permitting, and wetland delineation.

Highlights of Mr. Root's project experience follow:

Wetland Delineation / Environmental Assessment

- ***Salt Marsh Restoration – New Haven, Connecticut:*** Site evaluation and design.
- ***Yale Farm Golf Club – Norfolk, Connecticut:*** Wetland delineation and evaluation.
- ***Adrian's Landing – Hartford, Connecticut:*** Environmental impact assessment.
- ***Municipal Inland Wetland Agencies – State of Connecticut:*** Reviews for the Towns of Westport, Middletown, Redding, Wilton, New Milford, and others.
- ***Proposed Connector Road Environmental Impact Analysis – Groton, Connecticut:*** Wetland evaluation and impact analysis.
- ***Interstate 95 (Connecticut Department of Transportation) - Branford, Connecticut:*** Wetland evaluation and impact assessment.

WILLIAM A. ROOT, M.S. (Continued)

- ***Litchfield County Courthouse - Litchfield, Connecticut:*** Environmental assessment and impact evaluation including mitigation designs.
- ***O&G Industries – Beacon Falls, Connecticut:*** Evaluation of sand and gravel mining impacts upon wetlands and watercourses for Connecticut DEP.
- ***West River Memorial Park – New Haven, Connecticut:*** Inland and tidal wetland delineation as part of a salt marsh restoration project.
- ***YMCA, Camp Ingersoll – Portland, Connecticut:*** Wetland delineation, evaluation, and impact analysis.
- ***Route 25 Intersection Improvements – Monroe, Connecticut:*** Wetland delineation and evaluation along highway corridor.
- ***Crystal Water Company - Killingly, Connecticut:*** Evaluation of water well withdrawals on wetlands and watercourses.
- ***Settlers Park – Southbury, Connecticut:*** Wetland assessment and impact evaluation including mitigation designs.
- ***Milford Power Company LLC – Milford, Connecticut:*** Wetland impact evaluation and mitigation design.
- ***Great Hill Woods Road – East Haddam, Connecticut:*** Wetland delineation and impact assessment for residential subdivision.
- ***Laurelwood Phase III – Ridgefield, Connecticut:*** Wetland delineation and impact assessment for residential subdivision.
- ***Avalon Bay – Stamford, Connecticut:*** Design of interpretive signage for educational boardwalk along Long Island Sound.
- ***Hamden Middle School – Hamden, Connecticut:*** Wetland delineation, impact assessment, and mitigation designs for construction of a new Middle School.

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